

REMARKS/ARGUMENTS

Claims 1-37 have been object to as not being presented in the last amendment. Claims 1-37 were previously canceled. Applicant was working under the belief that "canceled" claims are not required to be presented in subsequent amendment documents (as opposed to "withdrawn" claims that are to be listed). However, to correct the previous omission, the canceled Claims 1-37 are now listed in this amendment.

The Examiner rejected all of the pending claims (Claims 38, and 40-49) based on 35 USC 103(a) as being unpatentable over Knowles et al. (US 6,810,232) in view of Will (US 5,119,433). Once again it is respectfully submitted the Examiner has failed to appreciate several of the patentable features of the subject invention and that the claimed subject invention is not in any fashion obvious, suggested, implied, or taught over or by the prior art, either individually or in combination. It is deemed useful to summarize several of the important and unique patentable details of the subject invention: 1) the image obtained with the subject invention is obtained with a camera and not a scanner; 2) the position and orientation of the response form is variable and calculated from the obtained image (as defined in the specification, the "position" by itself actually includes both the coordinates of the position on the document and the orientation or angled nature of those coordinates); and 3) the contents of each response form is actually algorithmically interpreted since significant possible distortions must be accounted for because the collected information is not passed on to a human for correction.

Some general comments would be helpful concerning the Knowles ('232) and Will ('433) references. First, Knowles ('232) implies that a "camera" may be used in place of the disclosed scanner, however, when Knowles ('232) indicates a "camera," what is clearly intended and necessary is a "camera and associated moving machinery" that allows a perfect image of the form to be obtained. Also, Knowles ('232) does not "calculate" coordinates for any "regions of interest" since the forms utilized in Knowles ('232) have known locations for all of the form information and is pre-programmed into that system. The Examiner states that "The coordinates of the "clip" are also calculated (Col. 9, Lines 7-22)" in Knowles ('232), but this is plainly not the case. The Knowles ('232) specification states that "Typical items included in the IDI are position coordinates and form identification" which have to come only from pre-entered information so the scanner/programming will know where the information is located. No calculations are performed concerning coordinates. Further, the Examiner states that Knowles ('232) relates "processed data may be archived electronically," but what is stored in Knowles ('232) is merely images and not information about images that have had that information abstracted, manipulated, and transformed into grades or scores that are entered into a database (gradebook). People have to directly interpret the images in Knowles ('232), while with the subject invention the images are interpreted (grading calculations performed) by the subject system itself and then the resultant automatic gradebook entries are subsequently used by people.

Concerning Will ('433), the Examiner is correct in stating that a rectangular data field is detected. However, two critical issues are not noted: 1) the detection is by a scanner and 2) the detection is ONLY for a rectangle that has horizontal and vertical

edges and **NOT** for angled images. In numerous places in Will ('433) (throughout the specification and in the claims) it is unambiguously stated that the Will ('433) system scans and detects "**vertical**" and "**horizontal**" lines, segments, sections, and bars only. No means are provided, suggested, implied, taught, or hinted at that make this disclosure applicable for the detection of possibly "**angled data fields,**" as in the subject invention.

Therefore, to absolutely clarify the exact nature of the claimed subject invention, with further specificity, both of the pending independent claims (Claims 38 and 46) have been amended to relate the specifically specification-disclosed meaning of the claim-phrase "a variably positionable data field on a document" to "a variably positionable **and variably angled** data field on a document." Further, the new claims (Claims 50-55) also, unambiguously, state that the data field is "a variably positionable and **orientable** data field on a document" and included is "an image feature surrounding said data field used for identifying a position, orientation, size, and distortion of said data field." These additional limitations were plainly directly implied in the pending claims, but are now specifically enumerated for the sake of clarity and specificity.

Additionally, as the Examiner is well aware, according to the recent U.S. Supreme Court case of ***KSR v. Teleflex*** an extremely important factor in determining whether an invention is patentable relates to its acceptance in commerce. To support the fact that the subject invention is indeed a well received and new invention in the commercial world a 132 Declaration has been included with this Amendment. Mr. Richard A. Carey is an expert in the field of educational software and verifies that the

subject invention is new, efficient, and accurate in "reading forms with a wide range of orientations and distortions" and that "[T]he results from my test were impressive."

In view of the above amendment, remarks, and 132 Declaration, the Examiner is respectfully requested to withdraw the objections and rejections to the Claims and pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (916) 498-1010.

Respectfully submitted,

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By: _____


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